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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,156	09/12/2003	Donald E. Weder	8403.951	8745

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EXAMINER

GELLNER, JEFFREY L

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,156

Applicant(s)

WEDER ET AL.

Examiner

Jeffrey L. Gellner

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

Acknowledgement is made of Applicant's IDS received 12 September 2003. A completed 1449 form will accompany the next office action.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the embodiment of the sheet with an adhesive(cohesive) as disclosed in the independent claims must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Examiner notes that this embodiment was shown in drawings of US 5,410,856.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 13 is objected to because of the following informality:

In line 15, the Markush group of "at least one of a band or an adhesive or cohesive" is improper. The conjunction should be --and--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4-9, 11-16, 18- 23, 25-28, and 30 are rejected under 35 U.S.C. §102(b) as being anticipated by Lovett Jr. (US 1,964,887; 5th document listed on 1st page of Applicant's 1449).

As to Claims 1, 6, 13, 20, 27, and Lovett Jr. discloses a floral assembly (Figs. 1-5) comprising a floral holding material (page 2 lines 1-5) having upper and lower ends (Figs. 1-3) and without a pot; a floral grouping 11 and 12 of Fig. 2) in the floral holding; and a decorative sheet (14 of Figs. 1 and 2) of material having upper and lower surfaces (Figs. 1 and 2) and a sheet disposed about the material (Figs. 1 and 2); and, the decorative sheet of material having a crimped portion (region around 19 of Fig. 1) having a plurality of overlapping folds (Fig. 1) and a band (20 of Fig. 1) disposed about the decorative sheet to hold the crimped portion.

As to Claims 2, 9, 16, 23, and 28, Lovett Jr. further discloses paper (page 2 lines 10-17).

As to Claims 4, 11, 18, 25, and 30, Lovett Jr. further discloses a non-shape sustaining material ("pliable nature" of page 2 line 10).

As to Claims 5, 12, 19, and 26, Lovett Jr. further discloses a string (20 of Fig. 1).

As to Claims 7, 8, 14, 15, 21, 22, Lovett Jr. further discloses the crimped portion both near the upper end and extending above the upper end of the floral holding material (shown in Fig. 1).

Claim Rejections - 35 USC §103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 10, 17, 24, and 29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lovett Jr. (US 1,964,887; 5th document listed on 1st page of Applicant's 1449) in view of Weder (US 4,950,216).

As to Claims 3, 10, 17, 24, and 29, the limitations of Claims 1, 6, 13, 20, and 27 are disclosed as described above. Not disclosed is the sheet of material having a thickness of from 0.1 to 30 mils. Weder ('216), however, discloses a sheet that is an decorative floral assembly with a thickness of from 0.1 to 30 mils (col. 3 lines 3-14). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the assembly of Lovett Jr. by having the thickness of the sheet from 0.1 to 30 mils as disclosed by Weder ('216) so as to keep the assembly as light as possible.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wagner ('495), Wagner ('827), van den Hoogen ('760), Watson, FR 2397342, and Yamagishi et al. disclose in the art/prior art various assemblies that are a decorative sheet without a pot and a band. Weder ('182) disclose in the prior art various limitations to a decorative sheet.

Art Unit: 3643

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey L. Gellner whose phone number is 703.305.0053. The Examiner can normally be reached Monday through Thursday from 8:30 am to 4:00 pm. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Peter Poon, can be reached at 703.308.2574. The official fax telephone number for the Technology Center where this application or proceeding is assigned is 703.872.9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

A handwritten signature in black ink, appearing to read 'J. L. Gellner', with a stylized, flowing script.

Jeffrey L. Gellner